

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 343 CUTTACK, TUESDAY, FEBRUARY 22, 2005 / FALGUNA 3, 1926

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 27th January 2005

No. 879—li/1(BH)-67/2000-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 9th November 2004 in Industrial Dispute Case No. 137/2000 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial disputes between the Management of M/s. Nava Bharat Ferro Alloys Ltd, Kharagaprasad., Dhenkanal and its Workman Shri Ashok Kumar Sahoo was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 137 OF 2000

Dated the 9th November 2004

Present :

Shri P. K. Sahoo, o. s. J. s. (Jr. Branch)
Presiding Officer, Labour Court
Bhubaneswar.

Between :

The General Manager (Works)
Nava Bharat Ferro Alloys Ltd.,
(Ferro Alloys Plant)
At/P. O. Kharagaprasad
Via Meramundali, Dist. Dhenkanal
Pin-759121.

.. First Party—Management

And

Shri Ashok Kumar Sahoo
S/o. Late Sadananda Sahoo
At/P. O. Kharagaprasad
Via-Meramundali, Dist. Dhenkanal.

.. Second Party—Workman

Appearances :

For the First Party—Management . . (1) Shri G. P. Vardhana Rao
General Manager
(2) Shri B. K. Pattnaik,
Manager, P & A

For the Second Party—Workman . . Shri Ashok Kumar Sahoo
himself

AWARD

The Government of Orissa in the Labour & Employment Department in exercise of powers conferred upon them by sub-section (5) of Section 12, read with clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. 13913—li/1-(BH)-67/2000-L. E., dated the 13th November 2000.

“Whether the termination of services of Shri Ashok Kumar Sahoo (Helper Trainee, Electrical Department) with effect from the 9th September 1999 by the management of M/s. Nava Bharat Ferro Alloys Ltd. (Ferro Alloys Plant, Orissa), Kharagaprasad, Dist. Dhenkanal is legal and /or justified ? If not, to what relief Shri Sahoo is entitled ?”

2. Both the parties are present and filed a joint petition for compromise drawn up in Form ‘K’ along with seven copies. Heard both the sides on the matter of compromise at length. Perused carefully the petition for compromise filed by the management and the workman. Being asked, both the parties have admitted to have compromised the present case as per the terms of settlement drawn up in Form ‘K’. The workman has also admitted to have received a sum of Rs. 2,00,000 (Rupees two lakhs) only from the management towards full and final settlement of all his legal dues with regard to his employment, non-employment and service conditions. The workman has also further stated that, he will neither claim of his reinstatement in service in future nor any other financial claim against the management in any manner whatsoever. Both the parties have also agreed to drop the present Industrial Dispute Case No. 137 of 2000 as per the terms of settlement already reflected in Form ‘K’. Since both the parties have amicably settled their dispute, I feel inclined to allow the petition for compromise filed by both the parties jointly. In that view of the matter, the petition for compromise is allowed and therefore accepted. Accordingly an Award is passed in terms of the settlement which do form part of the Award.

Dictated and corrected by me.

P. K. SAHOO
(9-11-2004)
Presiding Officer
Labour Court, Bhubaneswar

P. K. SAHOO
(9-11-2004)
Presiding Officer
Labour Court, Bhubaneswar

By order of the Governor
D. MISHRA
Under-Secretary to Government

FORM 'K'

(See Rule 64)

Memorandum of Settlement, dated the 29th September 2004 between the management of M/s. Nava Bharat Ferro Alloys Limited, Kharagaprasad and its workman Shri Ashok Kumar Sahoo.

Representing Management

(1) Shri G. P. Vardhana Rao

General Manager

(2) R. K. Pattnaik

Manager, P & A

Representing Workman

(1) Shri Ashok Kumar Sahoo

Made part of the Award

P. K. SAHOO

(9-11-2004)

Presiding Officer

Labour Court, Bhubaneswar

SHORT RECITAL OF THE CASE

Whereas, Shri Ashok Kumar Sahoo in short, the 'Workman' was appointed a 'Helper Trainee, Electrical Department' and his services were terminated with effect from the 9th September 1999 by the management of M/s. Nava Bharat Ferro Alloys Limited, in short the management during his training period.

Being aggrieved by the said order of termination the workman raised an Industrial Dispute before the District Labour Officer, Dhenkanal. Conciliation being failed, the said Industrial Dispute was referred for adjudication by the Government of Orissa to the Labour Court, Bhubaneswar in following terms :—

“Whether the termination of the services of Shri Ashok Kumar Sahoo (Helper Trainee, Electrical Department) with effect from the 9th September 1999 by the management of M/s. Nava Bharat Ferro Alloys Ltd., Ferro Alloys Plant, Orissa, Kharagaprasad, District Dhenkanal is legal and/or justified ? If not, to what relief Shri Sahoo is entitled ?”

The said reference has been registered as Industrial Dispute Case No. 137 of 2000 in the file of the learned Labour Court, Bhubaneswar.

During pendency of the aforesaid Industrial Dispute on the approach made by the workman, the parties to the said dispute agreed to settle the said dispute on the following terms, for the interest of Industrial peace and harmony.

TERMS AND SETTLEMENT

1. That it has been agreed between the parties that the management will pay an amount of Rs. 2, 00, 000 (Rupees two lakhs) to the workman towards full and final settlement of the

dispute between the parties connected with regard to his employment, non-employment and service conditions.

2. That the said lump sum payment will be made in form of a demand draft and would be handed over to the workman before the learned Labour Court on obtaining due receipt of such payment from the workman.

3. That the workman has accepted the above terms on his own volition, without any coercion and undue influence.

4. That the workman agrees that he shall have no subsisting or any future claim against the management in connection with his services and Industrial Dispute Case No. 137 of 2000 after receipts of the agreed amount in terms of the present settlement.

5. That with this settlement all disputes between the parties are settled and no dispute remains either at present or in future between the parties.

6. That both the parties will approach and file a joint petition along with a copy of this Settlement before the learned Labour Court, Bhubaneswar in Industrial Dispute Case No. 137 of 2000 praying therein to pass an Award in terms of this Settlement.

Management :

1. G. P. Vardhana Rao

2. Ranjit Kumar Patnaik

Workman

1. Ashok Kumar Sahoo

29-9-2004

Witnesses :

(1) Sanjay Kumar Mishra

(2) Subhasish Das